

REMARKS

Reconsideration of this application, as amended, is respectfully requested. The following remarks are responsive to the Office Action of May 17, 2005. Claims 1-3 and 5-33 remain in the application. Claim 34 is new and dependent upon independent claim 1. The above amendments are supported by the Specification as filed. Accordingly, no new matter is added.

35 U.S.C. 103 Claim Rejections

Claims 1-3, 5-8, 10-27 and 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fung (U.S. Patent No. 5,396,635) hereinafter “Fung,” in view of Thomas et al. (U.S. Patent No. 6,216,235) hereinafter “Thomas.”

Fung describes a computer power management system in which an activity monitor monitors the activity of the computer system including storing call values for call functions and preset activity threshold values for the various states of operation (e.g., on, doze, sleep, and off). An algorithm is employed in the form of power management software to compare the accumulated call values to the preset activity threshold values to determine whether to remain in an active mode or be switched to a conservation mode. In other words, an algorithm cooperating with preset threshold values determine whether to switch from a higher performance state to a lower performance state and vice versa.

As conceded to in the present Office Action, Fung does not teach operating the integrated circuit at the third state of performance for a period of time predetermined by thermal failure characteristics pertaining to the integrated circuit (pg. 3). However, Applicant's respectfully disagree that adding what is taught in Thomas to Fung cures this defect.

Thomas discusses improved approaches to providing thermal and power management for a computing device. The approaches facilitate control of a processor's clock frequency and/or a fan's speed so as to provide thermal and/or power management for the computing device based

on active feedback from a temperature sensor (See temp. sensor 4 and temp. signal 6, Figs. 1, 3, 4, 5, 7, 9, and 10). In contrast, the present independent claims each recite substantially the same limitation of operating an integrated circuit at a third state of performance for a period of time predetermined by thermal failure characteristics pertaining to the integrated circuit. The period of time the circuit in Thomas operates in a higher mode (i.e., faster clock rate) relies upon a complex system to actively monitor a temperature sensor during circuit operation. Therefore, the operation time in the higher mode is not predetermined by thermal failure characteristics pertaining to the integrated circuit, but actively determined in real time and varies depending upon such factors as ambient temperature, activity level, etc. Therefore, the independent claims 1, 7, 20, 24, and 30 are not obvious according to Fung in view of Thomas under § 103 and are thus patentable over the cited art.

As a dependent claim is deemed to include the limitations of a claim from which it depends, the arguments presented above also address the rejections against the dependent claims rejected here under § 103. Accordingly, the rejections against the dependent claims 2-3, 5-6, 8, 10-19, 21-23, 25-27, 29, and 31 have been addressed, and withdrawal of these rejections is respectfully requested.

Claims 9, 28 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fung in view of Thomas and further in view of Hawkins et al. (EP 0,708,398) hereinafter “Hawkins.”

Adding the teachings of Hawkins to Fung and Thomas, alone or in combination, fails to render the present independent claims 1, 7, 20, 24, and 30 obvious. Hawkins discusses an integrated processor fabricated on a single monolithic circuit that employs circuitry to accommodate data-intensive, view-intensive and voice-intensive application functions by using a power management unit (PMU) interconnected to a clock control unit having multiple phase-locked loops for programmably clocking various clocked circuits according to an operational state of the PMU. However, Hawkins, alone or in combination with Fung and Thomas, does not discuss the limitation of the present independent claims of operating an integrated circuit at a

third state of performance for a period of time predetermined by thermal failure characteristics pertaining to the integrated circuit. As a dependent claim is deemed to include the limitations of a claim from which it depends, the arguments presented above also address the rejections against the dependent claims rejected here under § 103. Accordingly, the rejections against the dependent claims 9, 28 and 32 have been addressed, and withdrawal of these rejections is respectfully requested.

It is also respectfully submitted that Fung does not suggest a combination with Hawkins or Thomas, and neither Hawkins nor Thomas suggest a combination with Fung because inadequate motivation has been cited to suggest such a combination. It would be impermissible hindsight to combine Fung with Hawkins or Thomas based on Applicant's own disclosure.


Conclusion

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. Applicant reserves all rights with respect to the application of the doctrine equivalents. If there are any additional charges, please charge them to our Deposit Account No. 02-2666. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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